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EXAMINER

SAIN, GAUTAM

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,434

Applicant(s)

KUNITAKE ET AL.

Examiner

Gautam Sain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

- 1) This is a NonFinal Action in response to amendment filed 5/4/05
- 2) Claims 1-14 are pending and rejected under 35 USC 103 (see rejections below) and claims 1, 12, 13, and 14, under 35 USC 101.
- 3) Examiner asserts a new reference Sato to teach the amended portions of each claim (see rejection below).

Continued Examination Under 37 CFR 1.114

- 4) A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/4/05 has been entered.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 12, 13, 14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1, 12, 13, 14 set forth non-functional descriptive material but fail to set forth physical structures or materials comprising of hardware or a combination of hardware and software within the technological arts (ie., a computer) to produce a "useful, concrete and tangible" result. For example, Claims 1, 12, 13, and 14, the "system" and "method" reads on mental construct/abstract idea or at

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best a computer program, per se. The language such as “document processing system”, etc, does not clearly define structural elements and are not tangibly embodied on a computer readable medium. Claims 1, 12, 13, 14 are interpreted as software per se, abstract ideas or mental construct and not tangibly embodied on a computer readable medium or hardware.

Claim Rejections - 35 USC § 103

5) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5-1) Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burkette et al (US 6635089, filed 1999), in view of Sato et al (US 6013680, issued Jan 11, 2000).

Regarding claim 12, Burkett teaches “analyzing means ... parse tree” (ie., XML parser ... DOM tree)(col 2, lines 44-47).

Burkett teaches “separating means ... error of the instruction” (ie., detecting ... error condition ... encoded file updated to reflect results)(col 4, lines 40-50; col 12, lines 5-55; fig 4F –4H)(dynamic data retrievals ... DOM trees)(col 3-4, summary section).

Burkett teaches “error ... document for error notice” (ie., encoded file has result of error condition)(col 4, lines 40-50).

Burkett teaches "processing invocation ... generate a document ... error notice document" (ie., error handling ... detect error occurred; encoded file ... error condition)(col 12, lines 5-67).

Burkett teaches "processing invocation ... error notice document" (ie., keyword "ERROR")(col 12, lines 5-67).

Burkett teaches "holding ... document" (ie., encoded file)(col 4, lines 40-50).

For the amended portions of the claim, Burkette does not expressly teach, but Sato teaches the amended portions of the claim, specifically, synthesizing a document ... synthesizing means (ie., the first structured document is generated from the input non-structured document based on the parsing rule where the document structure is given and matching the first document structure definition (Examiner interprets as equivalent to an embedded rule since the matching is done with the individual document structure of the document) to generate a second structured document (Examiner interprets this as equivalent to synthesizing)).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Burkett to include having a second structured document, where the first structured document is generated from an in put non-structured document based on the parsing rule where the document structure is given and matching first document structure definition as taught by Sato, providing the benefit of a structured document generating method capable of easily generating a structured document (see Abstract section).

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5-2) Claims 1, 2, 3, 5, 6, 7, 8, 9 10, 11, 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Burkette et al (US 6635089, filed 1999), in view of Applicant Admitted Prior Art (hereinafter "AAPA") (see application background section, pages 1-6), further in view of Sato (as cited above).

Regarding claim 1, Burkett teaches "instruction providing means ... containing the document part" (ie., DOM ... abstraction of a document ... manipulate document structure; SGML)(col 1, lines 35-40; col 4, lines 20-30).

Burkett teaches "analyzing means ... parse tree" (ie., XML parser ... DOM tree)(col 2, lines 44-47).

Burkett teaches "instruction ... analyzing" (ie., constructing DOM tree ... detecting tags from files for corresponding data)(col 4, lines 20-50).

Burkett teaches "document processing description [synthesizing] means ... [synthesize] a document ... processing the first and second structured documents" (ie., document ... DOM tree ... updated dynamically ... refreshing the DOM tree periodically)(col 3, line 60 – col 4, line 64)(ie., periodically refreshing the content of an XML document)(col 3, lines 35 – 42).

Burkett teaches "extracting ... first structured document" (ie., abstraction of a document ...)(col 1, lines 35-40).

Burkett teaches "repetitive duplication ... number of times" (ie., periodic refreshes ... as defined by the user)(ie., col 3, lines 30-40).

Burkett teaches "inserting/substituting ... second document part" (ie., ... refreshing content ... updating)(col 3, lines 30-40).

Burkett teaches "an interpreter ... inserting/substituting means" (ie., detecting tags ... creating, updating DOM tree ... updating, refreshing)(col 4, lines 21-65).

Burkette does not expressly teach, but AAPA teaches synthesizing (ie., XML is a language capable of describing structured documents ... document parts satisfying specific conditions can be retrieved from an input original document to synthesize a new structure document and document parts)(AAPA, page 3, bottom – page 5, top).

For the amended portions of the claim, Burkette in view of AAPA does not expressly teach, but Sato teaches the amended portions of the claim, specifically, synthesizing a document ... synthesizing means ... embedded in a first structured document (ie., the first structured document is generated from the input non-structured document based on the parsing rule where the document structure is given and matching the first document structure definition (Examiner interprets as equivalent to an embedded rule since the matching is done with the individual document structure of the document) to generate a second structured document (Examiner interprets this as equivalent to synthesizing)).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Burkette to include synthesizing document parts retrieved from an input original document and synthesize a new structured document as taught by AAPA, providing the benefit of dynamically updating DOM tree for a corresponding XML notation that is updated dynamically to reflect changing information, where a document is used as XML and the corresponding DOM trees (Burkete, col 3, lines 62-67; col 1, lines 43-45), further to include having a second structured document, where the first

structured document is generated from an input non-structured document based on the parsing rule where the document structure is given and matching first document structure definition as taught by Sato, providing the benefit of a structured document generating method capable of easily generating a structured document (Sato, see Abstract section).

Regarding claim 2, Burkett teaches “extraction instruction ... document part” (ie., data retrieval for each tag .. parameters) (ie., col 4, lines 30-35).

Burkett teaches “insertion/substitution ... document part ‘ (ie., ... updating the encoded file ... one or more tags)(col 4, lines 35-40).

Burkett teaches “instruction separating means ... structured document” (ie., abstraction of a document ... DOM)(col 1, lines 35-50).

Burkett teaches “inserting/substituting means ... attribute substitution instruction” (ie., DOM interface ... change content ... revise XML document” (col 2, lines 44-55).

Burkett teaches “interpreter ... substitution instruction” (ie., construct DOM tree ... detects tags ... periodically refreshing DOM tree according to ... syntax” (col 4, lines 21-50).

Regarding claim 3, Burkett teaches “the attribute substring means makes, in accordance ... the system” (ie., refresh tags in the DOM tree ... refreshing the DOM tree” (col 4, lines 51-65).

Regarding claim 5, Burkett teaches “inserting/substituting ... extracting means” (ie., retrieval, constructional DOM tree ... periodic refresh)(col 4, lines 25-64).

Regarding claim 6, Burkett teaches “inserting/substituting means ... extraction instruction” (ie., XML notation can be marked up ... DOM tree ... updated dynamically to reflect changing info)(col 3, lines 60-67).

Regarding claim 7, Burkett teaches “a file server ... network” (ie., input file, connected on a network server for accessing data repositories)(col 4, lines 1-35; col 6, line 9)(ie., file store)(col 7, lines 54-55).

Burkett teaches “a structured ... for the file” (ie., server ... XML documents and DOM trees)(col 7, lines 30-35).

Burkett teaches “input means ... corresponding to the file name from the file server via the network” (ie., XML input file to the XML parser construct DOM tree ... revised XML document)(col 2, lines 44-55; col 4, lines 20-40).

Burkett teaches “document processing ... [synthesize] a structured document” (ie., data retrievals ... creating DOM tree ... updating file ... refreshing using syntax)(col 4, lines 20-67).

Burkett teaches “output means ... via the network” (ie., revising XML document to reflect changes ... online directory services)(col 2, lines 44-67).

Burkette does not expressly teach, but AAPA teaches synthesizing (ie., XML is a language capable of describing structured documents ... document parts satisfying specific conditions can be retrieved from an input original document to synthesize a new structure document and document parts)(AAPA, page 3, bottom – page 5, top).

For the amended portions of the claim, Burkette in view of AAPA does not expressly teach, but Sato teaches the amended portions of the claim, specifically,

The document processing means ... the second structured document, based only on ... second structured document (ie., the first structured document is generated from the input non-structured document based on the parsing rule where the document structure is given and matching the first document structure definition (Examiner interprets as equivalent to an embedded rule since the matching is done with the individual document structure of the document) to generate a second structured document (Examiner interprets this as equivalent to synthesizing)).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Burkette to include synthesizing document parts retrieved from an input original document and synthesize a new structured document as taught by AAPA, providing the benefit of dynamically updating DOM tree for a corresponding XML notation that is updated dynamically to reflect changing information, where a document is used as XML and the corresponding DOM trees (Burkete, col 3, lines 62-67; col 1, lines 43-45), further to include having a second structured document, where the first structured document is generated from an in put non-structured document based on the parsing rule where the document structure is given and matching first document structure definition as taught by Sato, providing the benefit of a structured document generating method capable of easily generating a structured document (Sato, see Abstract section).

Regarding claim 8, Burkett teaches "processing invocation ... server is contained" (ie., server ... in response to request from client)(col 7, lines 30-47).

Burkett teaches "at least first ... network" (ie., servers)(col 7, lines 30-35).

Burkett teaches "in a first processing ... document processing server" (ie., web server retrieves information from a file store)(col , lines 25-67).

Burkett teaches "the first structured document ... first original document and/or first template" (ie., retrieve data ... DOM tree ... updated to reflect changing information)(col 4, lines 15-67).

Regarding claim 9, Burkett teaches "second structure document ... server via the network" (ie., server not in a network)(col 7, lines 30-40).

Burkett teaches "first structured document ... as a parse tree" (ie., XML parser ... construct DOM tree ... revised to reflect changes ...).

Regarding claim 10, Burkett teaches "holding means ... invocation description" (ie., XML parser ... DOM tree ... given XML input file)(col 2, lines 44-55).

Burkett teaches "input means ... holding means" (ie., XML input file from the database ...)(col 2, lines 40-55).

Regarding claim 11, Burkett teaches "structured document ... instruction is embedded" (ie., abstraction of document)(col 1, lines 35-40)(ie., refreshing content periodically)(col 3, lines 30-42).

Regarding claim 13, Burkett teaches "analyzing means ... parse tree" (ie., XML parser ... DOM tree)(col 2, lines 44-47).

Burkett teaches "scanning the parse tree ... instruction" (ie., detecting ... error condition ... data retrieval tags ... encoded file updated to reflect results)(col 4, lines 40-50; col 12, lines 5-55; fig 4F -4H).

Burkett teaches “merging and sorting ... document processing ... structured document” (ie., error handling ... detect error occurred; encoded file ... error condition. The encoded file serves as a place where the error handling process is merged and inherently sorted according to some rule; deals with XML documents)(col 12, lines 5-67; summary section).

Burkett teaches “interpreting ... structured document” (ie., encoded file has result of error condition; DOM trees using dynamic data retrievals)(col 4, lines 40-50; col 2-4, summary section).

Burkette does not expressly teach, but AAPA teaches synthesizing (ie., XML is a language capable of describing structured documents ... document parts satisfying specific conditions can be retrieved from an input original document to synthesize a new structure document and document parts)(AAPA, page 3, bottom – page 5, top).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Burkette to include synthesizing document parts retrieved from an input original document and synthesize a new structured document, providing the benefit of dynamically updating DOM tree for a corresponding XML notation that is updated dynamically to reflect changing information, where a document is used as XML and the corresponding DOM trees (col 3, lines 62-67; col 1, lines 43-45).

5-3) Claims 4, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burkett et al (as cited above), in view of Chau et al (US 6643633, provisional 60168659, filed on Dec 2, 1999), further in view of AAPA and Sato (as cited above).

Regarding claim 4, Burkett does not expressly teach, but Chau teaches “extraction instruction ... path name” (ie., document access ... xpath)(col 3, lines 29).

Burkett teaches “each of the repetitive ... pattern expression” (ie., email character string)(col 2, lines 5-14).

Burkett teaches “instruction separating means ... pattern expressions” (ie., DOM tree retrieval ... updating, refreshing periodically ...)(col 4, lines 20-64).

Burkett teaches “repetitive duplication means ... number of document parts” (ie., repeatable refresh that is based upon occurrence of specified condition ...)(col 15, lines 4 – 10). Burkett does not expressly teach, but Chau teaches “matching path name” (ie., mapping from one DOM structure to another)(col 115, claim 1).

Burkett does not expressly teach but Chau teaches “ inserting/substituting ... matching path name)(ie., mapping data XML data from one table to another ... transforming data)(col 115 – 116, claim 1, claim 8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Burkett to include path names for mapping a second document object model tree from the first, transforms data and generates XML documents with recursive processing as taught by Chau, providing the benefit of an improved technique of generating XML documents from relational data and decomposing an XML document and storing the decomposed data and sorting into a user-specified order (Chau, col 2, lines 48-61).

Regarding claim 14, Burkett teaches “analyzing a first ... to generate a parse tree” (ie., XML parser ... DOM tree)(col 2, lines 44-47).

Burkett does not expressly teach, but Chau teaches “analyzing a second ... inserting/substitution ... generate a parse tree” (ie., second document object model tree using the document access definition ... mapping the data)(col 115, claim 1)(generated by parsing the document access definition and mapping data)(col 115-116, claims 1,2,3,10).

Burkett teaches “...separating means ... error of the instruction” (ie., detecting ... error condition ... encoded file updated to reflect results)(col 4, lines 40-50; col 12, lines 5-55; fig 4F —4H)(dynamic data retrievals ... DOM trees)(col 3-4, summary section).

Burkett does not expressly teach, but Chau teaches “merging and sorting ... generating a document ... second structured documents” (ie., transforming data shows substitution of data)(col 115-116)(claim 8 – 10)(data is sorted in a user-specified order)(col 2, lines 25-27).

Burkett teaches “interpreting ... structured document” (ie., encoded file has result of error condition; DOM trees using dynamic data retrievals)(col 4, lines 40-50; col 2-4, summary section).

Burkett teaches “interpreting the document ... given number of times” (ie., repeatable refresh that is based upon occurrence of specified condition ...)(col 15, lines 4 – 10).

Burkett does not expressly teach, but Chau teaches “interpreting the document processing ... second document part” (ie., prior to transforming data, mapping and parsing the first document object model tree ...)(col 115, claims 1-8).

Burkett does not expressly teach, but Chau teaches "outputting a ... " (ie., mapping ... generating XML documents ... traverse DOM tree ... recursive processing ... output XML document)(col 115, claims 1-8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Burkett to include a second document object model tree that maps the data from the first, transforms data and generates XML documents with recursive processing as taught by Chau, providing the benefit of an improved technique of generating XML documents from relational data and decomposing an XML document and storing the decomposed data and sorting into a user-specified order (Chau, col 2, lines 48-61).

Burkette in view of Chau does not expressly teach, but AAPA teaches synthesizing (ie., XML is a language capable of describing structured documents ... document parts satisfying specific conditions can be retrieved from an input original document to synthesize a new structure document and document parts)(AAPA, page 3, bottom – page 5, top).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Burkette in view of Chau to include synthesizing document parts retrieved from an input original document and synthesize a new structured document, providing the benefit of dynamically updating DOM tree for a corresponding XML notation that is updated dynamically to reflect changing information as taught by AAPA, where a document is used as XML and the corresponding DOM trees (AAPA, col 3, lines 62-67; col 1, lines 43-45).

For the amended portions of the claim, Burkette in view of Chau and AAPA does not expressly teach, but Sato teaches the amended portions of the claim, specifically, The document processing means retrieving the extraction instruction ... second structured document ... based only on the extraction instruction ... in the second structured document (ie., the first structured document is generated from the input non-structured document based on the parsing rule where the document structure is given and matching the first document structure definition (Examiner interprets as equivalent to an embedded rule since the matching is done with the individual document structure of the document) to generate a second structured document (Examiner interprets this as equivalent to synthesizing)).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Burkette in view of Chau and AAPA to include synthesizing document parts retrieved from an input original document and synthesize a new structured document as taught by AAPA, providing the benefit of dynamically updating DOM tree for a corresponding XML notation that is updated dynamically to reflect changing information, where a document is used as XML and the corresponding DOM trees (Burkete, col 3, lines 62-67; col 1, lines 43-45), further to include having a second structured document, where the first structured document is generated from an in put non-structured document based on the parsing rule where the document structure is given and matching first document structure definition as taught by Sato, providing the benefit of a structured document generating method capable of easily generating a structured document (Sato, see Abstract section).

Response to Arguments

6) Applicant's arguments with respect to claim 1-14 have been considered but are moot and/or unpersuasive in view of the new ground(s) of rejection. The Applicant argues the rejection of claim 12 under 35 USC 102(e) over Burkett. The Examiner withdraws the 102 rejection and asserts a new 35 USC 103 rejection for claim 12 (see above rejection for arguments) by combining Burkett with the Sato reference (similar for claims 1, 7, 13 and 14 which were rejected under 35 USC 103). Specifically, the Applicant argues the neither Burkette nor AAPA, individually or in combination discloses or suggests the claims, as amended. For this reason, the Examiner asserts the Sato reference to teach the amended portions of the claims.

The thrust of Applicant's remaining comments and arguments deal with the prior art not teaching the claims as they are amended. For which, the Examiner asserts the Sato reference to teach the elements that the applicant alleges are not taught.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 571-272-4096. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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G.S.

GS

William S. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
7/22/2005